

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 9:23-cv-81141-DMM

SECURITIES AND EXCHANGE COMMISSION,	:
	:
	:
Plaintiff,	:
v.	:
	:
	:
PREIPO CORP., JOHN A. MATTERA and	:
DAVID P. GRZAN,	:
	:
	:
Defendants, and	:
	:
	:
BOSS GLOBAL ADVISORY GROUP, INC.,	:
	:
	:
Relief Defendant.	:
	:

STATUS REPORT

Pursuant to the Order Administratively Closing Case (DE 96) (“Order”), Plaintiff Securities and Exchange Commission (“Commission”) and Defendants PreIPO Corp., (“PreIPO”) John A. Mattera, and David P. Grzan, and Relief Defendant Boss Global Advisory Group, Inc. (collectively, the “Parties”) file this status report.¹

The Commission and PreIPO and Grzan have been engaged in settlement discussions and exchange of documents and other information in an attempt to resolve the remaining monetary issues of disgorgement, prejudgment interest and civil penalties, and the Officer and Director bar (“O&D bar”) the Commission seeks against Grzan. The Commission has proposed disgorgement figures for PreIPO and Grzan, and provided PreIPO and Grzan the opportunity to provide evidence of any appropriate offsets and deductions under *Liu v. S.E.C.*, 140 S. Ct. 1936 (2020).

¹ The parties apologize to the Court for the tardy filing of this status report as they were unable to have a timely meaningful meet and confer given Mr. Schwartz’s current trial.

Undersigned counsel has informed defense counsel that by the end of June 2024, at the latest, it must have complete clarity that this matter will be a settled one, otherwise it will proceed to recommend to the five-member Commission in Washington, D.C. a litigated action. Defense counsel expressed confidence that the parties will be able to reach a resolution on or before this deadline.

Once this clarity is established on or before June 30, 2024, undersigned counsel will need approximately 90 days to: (1) seek approval of any proposed settlement(s) offered by PreIPO and/or Grzan; and/or (2) seek authority from the Commission to file a motion with the Court for specific amounts of disgorgement, pre-judgment interest thereon, and civil penalties to be assessed against Defendants PreIPO and Grzan and to seek the imposition of an O&D bar against Grzan.

Defendant Mattera's criminal case, *U.S.A. v. Mattera*, S.D.N.Y. Case No. 1:24cr117, continues and no trial date has been scheduled.² Mattera has entered a plea of not guilty. The Commission may consider any sentence of imprisonment for Mattera in determining whether to continue to seek a civil penalty against him (and, if so, in what amount). Similarly, the Commission may consider any criminal restitution award entered against Mattera in determining whether and how to proceed with its disgorgement claim against him and Relief Defendant Boss Global. Given the ongoing nature of Mattera's criminal case, the recommendation to the five-member Commission with respect to PreIPO and Grzan is not likely to include a proposed resolution as to Mattera.

The Parties respectfully submit this status report, and per the Court's Order, will submit their next status report on or before August 26, 2024 consistent with the representations made

² See the Commission's Notice of Indictment of John A. Mattera (DE 79).

herein and, if necessary, will file the appropriate motion requesting the court extend the time it maintains jurisdiction over this case to enforce potential settlement agreements.

Dated: May 29, 2024

Respectfully submitted,

/s/ Russell Koonin

Russell Koonin
Senior Trial Counsel
Fla. Bar No. 474479
Direct Dial: (305) 982-6390
E-mail: kooninr@sec.gov

Brian Lechich
Trial Counsel
Fla. Bar No. 84419
Direct Dial: (305) 416-6257
E-mail: lechichb@sec.gov

Securities and Exchange Commission
801 Brickell Avenue, Suite 1950
Miami, Florida 33131
Telephone: (305) 982-6300
Counsel for Plaintiff

/s/ Fred A. Schwartz

Fred A. Schwartz, Esq.
SHAHADY & WURTENBERGER, P.A.
Florida Bar No. 360538
200 East Palmetto Park Road, Suite 103
Boca Raton, FL 33432
Tel: (561) 910-3064
fschwartz@swlawyers.law

John J. Shahady, Esq.
SHAHADY & WURTENBERGER, P.A.
Fla Bar. No. 998990
7900 Peters Road, Suite B-200
Ft. Lauderdale, FL 33324
(954) 376-5958 Telephone
(954) 206-0188 Facsimile
JShahady@swlawyers.law
Counsel for Defendants and Relief Defendant